

**TOWN OF DAVIE
REGULAR MEETING
MARCH 2, 2005**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Paul and Councilmembers Hubert, Crowley and Starkey. Also present were Interim Town Administrator Kovanes, attorney Parke, and Town Clerk Muniz (departed at 9:26 p.m.) and Assistant Town Clerk McDaniel recording the meeting. Town Attorney Kiar was absent.

3. OPEN PUBLIC MEETING

Mathew Varghese, representing ten Indian associations of the AMALA Relief Organization, advised that the Tsunami fund raising efforts raised approximately \$40,000. He presented Vice-Mayor Paul and Mr. Kovanes with awards in recognition and appreciation for their contributions for victims of the 2004 Asian Tsunami. Mr. Varghese announced that Indian residents of Davie would support and attend the upcoming Diversity Festival on May 14th. He advised that 100% of the funds would be primarily used to build houses for victims for the Tsunami.

Michael Pedito, a coach for the Town's roller hockey program, asked about rumors concerning the possibility that the Town would consider outsourcing the Parks and Recreation Department staff. Mayor Truex advised that the resident should not believe everything they heard and stated that nothing had yet been decided. He advised that a workshop on this issue was scheduled for April 28th. Councilmember Starkey advised that the Town would publicly notice the workshop to encourage the residents to participate and requested that this workshop be scheduled at the Pine Island Multipurpose Center. Mr. Pedito stated that the parents' were in support of keeping the Town's staff in the program and were against using Optimist programs.

John Linnio, a coach of the Davie Broncos, spoke in favor of keeping the current staff at the parks.

Arthur Joseph, 14700 SW 18 Court, indicated that he had read in the newspaper about the Town's plan to spend \$25,000 for a feasibility study on a bond issue from the Trust for Public Lands. He felt this issue should be added to the ballot for the election in March 2006. Mr. Joseph gave the results he felt would be on the feasibility study.

Caryl Casey-Hattan, 7790 NW 31 Street, honored Special Projects Director Bonnie Stafiej for her efforts on the Orange Blossom Festival. She encouraged the public to vote in favor of the slot machines measure for more money for teachers.

Michael Bartlett, a coach and member of the Parks and Recreation Advisory Board, commended the Parks and Recreation Department staff for their efforts on getting the Town's programs started for the season. He advised that at the previous Parks and Recreation Advisory Board meeting, the members had voted to recommend maintaining the Town's programs. Mr. Bartlett requested that the Town coordinate the upcoming workshop to allow for coaches and the public to participate as it was currently scheduled for a game night. Mayor Truex advised that the meeting would be open long enough that residents could attend before or after the game.

Marlon Lewis, 13251 SW 16 Court, advised that he had attended a recent School Board Summit. He spoke of academic and service awards given by Pembroke Park to recognize top-notch students that he wanted to see the Town adopt. Mayor Truex advised that the Police Department gave an award to Davie students. Vice-Mayor Paul thanked Mr. Lewis for his enthusiasm.

Jeanne Carroll indicated that she had asked several times for a 4-way stop sign at 20th Street and 140th Avenue. She asked about the Commons and why residents kept receiving literature on this project. Vice-Mayor Paul advised that the application had been submitted to the Planning and Zoning Division.

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Ms. Carroll complained about the new garbage collection cans, which could not hold large trimmings from her oak trees. She felt that Waste Management employed many rude employees. Vice-Mayor Paul agreed that this was an ongoing problem. She spoke of her past views on bulk pickup and pointed out that Council had not supported her, which led to the problem she anticipated being realized. Vice-Mayor Paul voiced her disappointment with Waste Management's services and agreed that Waste Management employees were rude. Mayor Truex advised he was willing to meet with Waste Management and he was confident that this issue could be straightened out. Vice-Mayor Paul stated that she was spending an inordinate amount of time on these issues.

Councilmember Starkey advised that staff had also informed her of similar concerns; however, felt the new contract had changed very little in the definition of bulk waste. She stated that the new contract was supposed to enhance and provide better service at a lesser price. Councilmember Starkey felt there were things the Town could be doing to help provide an alternative to supplement residents in districts with larger bulk pickup items. She advised that in addition, an overwhelming number of comments that she had received from residents were positive.

Claire McGrath, 14450 SW 20 Street, spoke of the difficulty she had complying with the requirements of the new contract and advised she was not capable of dragging her waste to the curb.

Donna Merchant, 14520 SW 20 Street, indicated that residents in her community were also upset with the inconsistent and rude service provided by Waste Management. She felt that residents would pay more to be able to put out all items for collection as previously allowed. Ms. Merchant complained about drivers who decided if and when they wanted to pick up waste.

Astrid Marten, 10250 South Lake Vista Circle, spoke on behalf of her mother Trudy Marten, about Waste Management's service. She asked if residents could be reimbursed if Waste Management did not collect waste as their contract stipulated. Ms. Marten advised that her 96-gallon container had been damaged. Vice-Mayor Paul indicated that it should be replaced.

Ruth Bernices, 1601 SW 116 Avenue, mentioned that there needed to be a horse trail etiquette brochure. Mayor Truex recommended that the Davie Update would be a good vehicle for this. Ms. Bernices suggested that the Town install "slow down for horses" signs in residential communities where trails connected. She requested that Council not continue to support more housing developments as the Town was losing its rural qualities due to dense housing.

Anthony Repaci, 1488 SW 99 Terrace, spoke of bulk waste problems he was having with Waste Management.

Donna Evans, PAL board member, spoke of PAL's first annual golf tournament being held at Raintree on May 13th.

John Parker, representing PAL, spoke of the tournament and the need for golfers and sponsors. He also spoke of basketball, volleyball, fitness, tutoring, karate and arts programs offered at the facility.

Ms. Evans thanked the Town for the van, which allowed the children to attend PAL-sanctioned events.

Norm Blanco, PAL board member, commended the Town's Parks and Recreation, and Public Works staff for their efforts. He also commended Waste Management for their service.

Joanne Mitchell, 14000 Luray Road, spoke of existing slots that were already patronized on Indian reservations and cruise ships, where money was never returned to the community. She spoke in favor of slots, which she felt would benefit the horses and the horse racing community.

Stuart Siple, 4613 Hancock Road - Southwest Ranches, voiced his support for the pari-mutuel industry. He felt that the influx of cash would provide improved conditions for animals at such properties and more money would reach schools and teachers.

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Susan Winn, a resident of Southwest Ranches, felt it was imperative for municipalities to have an open-door policy to speak on issues benefiting neighboring areas. She thanked Council for welcoming views from those who did not reside in Davie.

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. January 19, 2005 (Regular Meeting) (tabled from February 16, 2005)
- 4.2. January 27, 2005 (Workshop Meeting)
- 4.3. February 2, 2005 (Regular Meeting)

Proclamation

- 4.4. Surveyor's Week (March 13-19, 2005)

Home Occupational License

- 4.5. Accurate Lawn Service, 14700 SW 14 Street

Resolutions

- R-2005-57 4.6. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$200,000 GRANT FROM THE LAND AND WATER CONSERVATION FUND FOR THE DEVELOPMENT OF RECREATIONAL FACILITIES AT VAN KIRK GROVE AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$200,000 MATCHING FUNDS).
- R-2005-58 4.7. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING APPLICATION, APPROVAL AND EXECUTION FOR A GRANT UNDER THE STATE OF FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.
- R-2005-59 4.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD FOOD SERVICES, TO PROVIDE THE SUMMER FOOD MEALS UNDER THE STATE OF FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM FOR THE TOWN OF DAVIE. (Town to be reimbursed \$15,000)
- R-2005-60 4.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN LEWIS SPECTOR, SPECTOR WRESTLING AND THE TOWN OF DAVIE. (\$1,000 rental fee)
- R-2005-61 4.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH FORT LAUDERDALE DOG CLUB INC OF DAVIE FLORIDA. (\$1,000 rental fee)

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- 4.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-62 ACCEPTING AND RATIFYING THE SETTLEMENT AGREEMENT ENTERED
INTO BETWEEN THE TOWN OF DAVIE AND SOUTHERN HOMES OF DAVIE II,
L.L.C. AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.12. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL
R-2005-63 BIDDING AND ACCEPTING THE BID FROM PRINCIPAL DECISION SYSTEMS
INTERNATIONAL AS A SOLE SOURCE SUPPLIER FOR AUTOMATED STAFF
SCHEDULING SOFTWARE SYSTEM KNOWN AS TELESTAFF. (\$36,450)
- 4.13. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL
R-2005-64 BIDDING AND ACCEPTING THE BID FROM BIO-KEY INTERNATIONAL, INC.
AS A SOLE SOURCE SUPPLIER FOR FIRE RECORDS MANAGEMENT SYSTEM.
(\$39,690)
- 4.14. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2005-65 THE MAYOR TO EXECUTE A CONTRACT WITH WIDELL, INC. FOR THE
SUPPLY AND INSTALLATION OF A PRETREATMENT SYSTEM FOR LIME
SOFTENING. (\$1,796,050)
- 4.15. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2005-66 BID FOR A PREFABRICATED WATERLESS RESTROOM BUILDING FOR
SILVER LAKES PARK. (J.E. Hill Contractor, Inc. - \$30,000)
- 4.16. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2005-67 BID FOR A KNUCKLE BOOM TRASH TRUCK. (Atlantic Ford Truck Center -
\$85,470)
- 4.17. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-68 APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN
IN CASE NO. 03-070 FROM \$10,400.00 TO \$1,437.19; AND PROVIDING AN
EFFECTIVE DATE. (Venero)
- 4.18. **MONEY PURCHASE PLAN** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2005-69 FLORIDA, AUTHORIZING THE CREATION OF THE TOWN OF DAVIE MONEY
PURCHASE PLAN – B AND AUTHORIZING THE TRUSTEE TO TAKE ALL
ACTIONS NECESSARY TO CONSUMMATE THE CLOSURE OF THIS PLAN, AND
PROVIDING AN EFFECTIVE DATE.
- 4.19. **MEMO OF UNDERSTANDING** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2005-70 FLORIDA, APPROVING THE MEMORANDUM OF UNDERSTANDING MADE
AND ENTERED ON OCTOBER 1, 2004 THROUGH SEPTEMBER 5, 2005 BY AND
BETWEEN THE SOUTH FLORIDA MONEY LAUNDERING STRIKE FORCE AND
THE TOWN OF DAVIE.

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- 4.20. **SPECIAL WARRANTY DEED** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2005-71 FLORIDA, AUTHORIZING THE ACCEPTANCE OF A SPECIAL WARRANTY
DEED FROM GABRIEL AND MARCELLA BUITRAGO WHICH CONVEYS
CERTAIN PROPERTY FOR USE AS PUBLIC RIGHT-OF-WAY ON SW 23 STREET.
- 4.21. **SPECIAL WARRANTY DEED** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2005-72 FLORIDA, AUTHORIZING THE ACCEPTANCE OF A SPECIAL WARRANTY
DEED FROM EARLINE M. LACROIX, JON LACROIX, CHERYL LACROIX,
THOMAS W. SWARTZ AND MICHELLE L. SWARTZ WHICH CONVEYS
CERTAIN PROPERTY FOR USE AS PUBLIC RIGHT-OF-WAY ON SW 23 STREET
AND SW 148 AVENUE.
- 4.22. **EASEMENTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-73 ACCEPTING CERTAIN EASEMENTS FROM EARLINE M. LACROIX, PROPERTY
OWNER; AND PROVIDING AN EFFECTIVE DATE.
- 4.23. **FRANCHISE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-74 GRANTING A TOWING FRANCHISE, IMPOSING PROVISIONS AND
CONDITIONS THERETO, AND SETTING FORTH AN EFFECTIVE DATE.
- 4.24. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2005-75 FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE
RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "DIAMOND 5 PLAT," AND
PROVIDING AN EFFECTIVE DATE. (DG 9-1-04, Diamond III, 10230 West State
Road 84)
- 4.25. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,
FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE
RESTRICTIVE NOTE ON THE SUBDIVISION PLAT KNOWN AS THE "DAVIE
GARDEN ESTATES", AND PROVIDING AN EFFECTIVE DATE. (DG 10-4-04,
Davie Garden Estates, generally located on the west side of SW 61 Avenue, 700 feet
north of SW 55 Court)
- 4.26. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2005-76 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER
INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD
COUNTY, AND TORAL PROFESSIONAL BUILDING LLC, FOR THE
INSTALLATION OF REQUIRED IMPROVEMENTS RELATING TO THE TORAL
PROFESSIONAL BUILDING PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY
AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR
AN EFFECTIVE DATE. (DA 1-1-05, Toral Professional Building Plat, 4820 SW 64
Avenue)

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- 4.27. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A
R-2005-77 PLAT KNOWN AS THE "TORAL PROFESSIONAL BUILDING" AND
AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE
APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL
TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 6-1-04, Toral
Professional Building, 4820 SW 64 Avenue)
- 4.28. **JOB SPECIFICATIONS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2005-78 AUTHORIZING JOB CLASSIFICATION TITLES, JOB CLASSIFICATION
SPECIFICATIONS, AND SALARY RANGES FOR ACCOUNTANT I,
ACCOUNTANT II, CREW LEADER, DEPUTY BUILDING OFFICIAL, FIRE
SUPPORT SERVICES MANAGER, FIRE ADMINISTRATION SERVICES
MANAGER, GIS MANAGER, MAINTENANCE TECHNICIAN, NEIGHBORHOOD
RESOURCE SPECIALIST (PART-TIME), NEIGHBORHOOD REVITALIZATION
PROGRAM COORDINATOR, PROGRAM MANAGER, PUBLIC INFORMATION
OFFICER, AND YOUTH COORDINATOR; PROVIDING FOR SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.

Temporary Use Permits

- 4.29. TU 1-1-05, Nova Southeastern University Heart Walk, 3301 College Avenue (March 5,
2005)
- 4.30. TU 1-3-05, St. David Catholic Church, 3900 South University Drive (two carnivals;
March 10-13, 2005 and October 20-24, 2005)

Quasi-Judicial Consent Agenda

- 4.31. SP 8-10-04, Diamond III, 10230 West State Road 84 (CC) Site Plan Committee
recommended approval based on the planning report and the following items: 1) to add a
single "store-front" door to the second floor balcony over the main entry to match the
style of the windows; 2) move the mailboxes to the main lobby if allowed by the Post
Office or if not allowed, move mailboxes to the *handicapped platform*; 3) *at the lift
station, install a four-foot, black vinyl-coated, chain-link fence with landscaping around
it and that it could be adjusted to accommodate the landscaping*; 4) *coordinate and revise
the entrance with the property owner to the east to use as a joint entrance*; 5) *use only
Pink Tabebuia trees as indicated on the landscape plans*; 6) *adjust the photometric plans
to provide a minimum of two- to three-foot candles within the parking and driveway
areas with at least "3.0" at the main entry*; and 7) *that the applicant would not be
coming back to the Committee to modify the architecture of the building in order to
accommodate the signage*.

Councilmember Hubert pulled item 4.7 from the Consent Agenda. Councilmember Crowley
pulled item 4.4. Councilmember Starkey pulled item 4.24, to be heard with item 4.31, and item 4.28.
Vice-Mayor Paul pulled items 4.8, 4.12, 4.13, 4.20 and 4.21. Mayor Truex pulled items 4.1 and 4.25.
Mr. Parke asked that item 4.22 be pulled.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve the
Consent Agenda minus items 4.1, 4.4, 4.7, 4.8, 4.12 and 4.13, 4.20, 4.21, 4.22, 4.24, 4.25, 4.28 and 4.31.
In a voice vote, all voted in favor. (Motion carried 5-0)

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5. DISCUSSION OF CONSENT AGENDA ITEMS

4.1 Mayor Truex made a motion, seconded by Councilmember Starkey, to table to March 16, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

4.4 Councilmember Crowley voiced his support for the proclamation and congratulated Scott McLaughlin who was re-elected president of the Broward County Chapter of the Florida Surveyors and Mappers Society. Mayor Truex presented the proclamation to Mr. McLaughlin. Mr. McLaughlin thanked the Town for the proclamation.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.7 Councilmember Hubert requested that the word “potential” be removed as the PAL facility would be the definite food site. Vice-Mayor Paul requested that the language should reflect District 1 and District 4.

Councilmember Hubert made a motion, seconded by Vice-Mayor Paul, to approve subject to the two corrections. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Vice-Mayor Paul requested to correct language to reflect District 4.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve subject to the correction. In a voice vote, all voted in favor. (Motion carried 5-0)

4.12 Vice-Mayor Paul advised that she had spoken with Fire Chief Don DiPetrillo and Mr. Kovanes as she was concerned that software was being taken out of capital projects. She stated that the Chief DiPetrillo said it could be taken out of impact money. Vice-Mayor Paul indicated she wanted Council’s approval on 4.12 and 4.13, to use the impact fees and not capital funds for the software. Chief DiPetrillo advised that he had spoken with Vice-Mayor Paul and Councilmember Hubert and agreed that it made more sense to use the impact fees.

Mr. Parke advised that with regard to contract language, governing law, the “State of California” needed to be corrected to reflect “state of Florida”. Chief DiPetrillo advised that this had been corrected. Mr. Parke advised that “the indemnification language needed some reference to sovereign immunity.”

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to approve subject to using impact fees instead of capital funds to purchase software and subject to contract changes as stipulated by Mr. Parke. In a voice vote, all voted in favor. (Motion carried 5-0)

4.13 Vice-Mayor Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.20 Town Engineer Larry Peters explained the features on the aerial diagram illustrated. Vice-Mayor Paul asked if “this was giving the road access to the required property and make sure that that roadway was south of the property, with no access from the other part of 23rd Street, which was a private road.” Mr. Peters concurred and stated that access would be on 26th Street.

Councilmember Starkey asked if this addressed Mr. Zane’s concern. Mr. Peters responded in the affirmative and advised that there would not be a roadway behind Mr. Zane’s property. Councilmember Starkey asked if Vice-Mayor Paul had met with Mr. Zane on this. Vice-Mayor Paul responded in the negative.

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Councilmember Crowley asked what kind of easement or right-of-way existed. Mr. Peters advised that there was a right-of-way that was vacated to the homeowners and there was a 15-foot equestrian trail adjacent to the right-of-way being transferred.

Councilmember Crowley asked what right the Town had to mark the equestrian trail if it was not a right-of-way or an easement. Mr. Peters advised that the trail was within an existing right-of-way. Vice-Mayor Paul asked whether the trail was listed as a dedicated horse trail. Mr. Peters stated not to his knowledge but advised it was within a dedicated right-of-way. He advised that 10 feet of the 25 feet were vacated to the residents and that the Town held and retained 15 feet of right-of-way. Vice-Mayor Paul requested that the Town put up a fence line from 26th Street to 20th Street.

Regarding item 4.22, Mr. Peters advised of a scrivener's error which should be corrected to reflect that the owner was John LaCroix's mother. He advised that this had been corrected and that he had the executed documents.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.21 Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.22 Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve subject to addendum on the scrivener's error. In a voice vote, all voted in favor. (Motion carried 5-0)

4.24 and 4.31 Councilmember Starkey requested that both items be heard at the same time.

Ron Mastrianni, representing the applicant, was present.

Mr. Parke read the rules of evidence and swore in the witnesses. Planning and Zoning Deputy Manager Marcie Nolan summarized the staff report.

Councilmember Starkey asked why no recommendation had been made to move the lake inward to resemble a campus like setting. Ms. Nolan explained that the three-acre size and scale was a factor and advised that staff considered this a campus like setting as it stood.

Vice-Mayor Paul indicated that she saw a dry retention area as opposed to a lake. Councilmember Crowley pointed out that it was marked on the plan as dry.

Mayor Truex asked how the node signage requirement would be enforced. Ms. Nolan explained that staff's report would indicate the applicant promised not to ask for modifications to the elevation. She advised that the Site Plan Committee and Council would have the ability to deny this.

Vice-Mayor Paul asked if staff was satisfied with the landscaping. Ms. Nolan responded in the affirmative. Vice-Mayor Paul asked if the applicant felt he could work with the landscaping code requirements. The applicant agreed.

Mike Gablesen, engineer for the applicant, advised that there was a dry retention area because South Florida Water Management's lake requirements and Central Broward Water Control District's easement requirements ate almost three-quarters of an acre of the land. He advised that adjoining parcels to the east were doing the identical thing.

Vice-Mayor Paul asked if this would meet District's new recommendations. Councilmember Crowley advised that if the project did not meet District's requirements, then it would have to come back before Council.

Councilmember Starkey asked about materials being used on connecting sidewalks to connect the two buildings. Mr. Gablesen advised that concrete would be used. Councilmember Starkey asked about signage. Mr. Gablesen stated that the signage allowed could not interfere with the architectural features. He explained that signage would have to be placed on each tenant's space.

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Ken Carlson, architect for the project, explained that one consideration was placing a pendant with small-scale lettering indicating names of tenants in front of each entrance. Councilmember Starkey asked if staff was in agreement with this. Ms. Nolan stated that the applicant was allowed to have such signage and advised that they were also allowed one small monument sign off State Road 84. She indicated that the signs would have to be consistent with the architectural style of the project.

Councilmember Starkey spoke of the dry retention issue and asked about the type of landscaping materials surrounded it. Kevin Holler, landscape architect, advised that there was a perimeter hedge of Cocoa Palms and Red Maple and Cypress trees.

Councilmember Starkey spoke of past problems with dry retention areas that were later filled in and asked how to avoid this issue in the future. Vice-Mayor Paul recalled that this issue occurred in the past and that it was required that these plans be recorded at Broward County. Mr. Gablesen explained that the applicant had to sign an easement agreement indicating that they would not fill in the retention area, as part of the District's approval process. Councilmember Crowley also spoke of the five-year renewal inspection method.

Councilmember Starkey asked Councilmember Crowley if he had the ability to make any corrections at the five-year point, if the applicant filled the areas. Councilmember Crowley advised that the applicant would be found in violation of the District and of the Town's Code. Councilmember Starkey stated that she was not in favor of dry retention areas. Mr. Holler explained that from the safety standpoint, most cities and counties favored dry retention areas. Councilmember Starkey asked about four black olive trees. Mr. Gablesen advised that these were being removed. Ms. Nolan advised that a tree survey was done followed by a hazardous tree assessment where mitigation efforts would be applied as needed. She stated that the landscaping met staff's requirements and addressed their concerns. Councilmember Starkey asked if staff was starting to incorporate naturescape features. Ms. Nolan advised that in this case, 25% of the trees were native species. Mr. Holler advised that 81% of trees and 82% of shrubs would be native species. Mr. Holler advised 92% of the trees proposed for the site were 14-16 feet tall.

Mr. Parke opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mayor Truex asked Council for disclosures. Councilmember Crowley advised that he had spoken with the engineer for the applicant.

Mayor Truex asked what traffic generation was expected. Ms. Nolan advised that she would bring this information to Council. Mayor Truex stated that he and the residents were concerned about traffic.

Mayor Truex asked Mr. Parke about the criteria for plat amendments. Mr. Parke indicated that these were discretionary but stated that any action taken had to be reasonable as related to legitimate government interest. He advised that generally, these were precursors to the County taking some type of action. Mayor Truex stated that he was not enthusiastic about more cars on the road, with schoolchildren in the area. Ms. Nolan advised that the County did not do a trip run until the Town provided its resolution. Mayor Truex spoke of two schools in the area where children walked or rode bicycles to school. Mr. Gablesen pointed out that the property was zoned for this type of use and met all the Town's Code requirements.

Councilmember Hubert felt the timing of school and work traffic would not be in conflict. Councilmember Starkey pointed out that schools started at different times and spoke of past traffic issues resulting from other developments in this area. Vice-Mayor Paul stated that Council could make stipulations where traffic concurrency issues were concerned. She spoke of past criticism received by the Broward County Commissioners on items that had passed the Town's review, but had yet to receive Commission approval.

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Mr. Gablesen advised that the service road had very little traffic and pointed out that there was no evidence that the applicant was not meeting every standard of the Town where traffic volume was concerned.

Mayor Truex asked if the Town had any discretion if the applicant met the Code. Mr. Parke advised that he had spoken with County attorneys who advised him that delegation requests needed approval from the Town. He explained that the Town could attach any conditions it wanted, as long as they were related to some kind of Code deficiency or issue that could come up because of the application. Mayor Truex asked if Council had any legal right to deny based on concerns about school or traffic, if the applicant met the Code. Mr. Parke advised that if evidence actually indicated that traffic problems were arising, he would say yes.

Councilmember Starkey advised that URS had done a study on the Nob Hill area's existing conditions. Ms. Nolan advised that the Nob Hill Road traffic study had identified one general vicinity improvement, which was the traffic light that had already been funded. Councilmember Starkey spoke of other improvements that had been identified but were not yet funded. Mr. Peters advised that the emergency access road had not been funded yet. He also spoke of minor road improvements that needed to be done. Councilmember Starkey reiterated that while she appreciated the scenic features of the project, she was concerned about additional traffic problems based on the increased size of the facility.

Mr. Gablesen felt that with established criteria, the applicant would have no objection to conforming to any requirements so long as reasonable and equal criteria applied to all parcels in the area. Ms. Nolan explained that the timing of the County's trips run and the developer's agreement would affect the process of determining traffic safety. Mr. Gablesen asked to come back before Council with an agreement to address Council's concerns.

Councilmember Crowley voiced his support for the project. Councilmember Starkey asked if staff could look into the turn lane on 13th for possible road improvements.

Vice-Mayor Paul requested that staff consider a series of five-year inspections for the retention area and possibly a bond to hold the developer responsible for improvements. Mr. Gablesen advised that the applicant would be coming back to Council with the developer's agreement from the County to address local issues. Vice-Mayor Paul stated that by submitting this now, the County would know which direction the Town was going in. Councilmember Starkey requested that at the same time, the County be made aware of improvements needed.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve subject to coming back after County review and subject to the developer's agreement regarding local traffic improvements, based on the URS study and the needs identified.

Mr. Gablesen asked what the bond would be for. Councilmember Starkey indicated this was to be sure it was properly draining in the five-year period. Councilmember Crowley indicated that two engineers would derive the amount.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve subject to a traffic study and a developers agreement being provided. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-1)

4.31 Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve, subject to approval of drainage issues and a five-year bond to be determined between the engineers regarding the cost and establishing a developer's order and with improvements recommended

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by the Site Plan Committee. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-1)

4.25 Mayor Truex asked if the property could be deed-restricted to nursery.

An unidentified man advised that he had contacted the County and filed a trip run application which indicated there were no current problems. Mayor Truex asked if the applicant would be willing to deed restrict the site to a wholesale nursery. The man advised that he would have to check with the applicant. Mayor Truex asked about the total acreage of both. Development Services Director Mark Kutney advised it was 6.85 acres. Mayor Truex indicated that he would be in support if the applicant agreed to restrict plat B to agricultural and nursery use.

Mayor Truex made a motion, seconded by Vice-Mayor Paul, to table to March 16, 2005. In a voice vote, with Councilmembers Crowley and Hubert, dissenting, all voted in favor. (Motion carried 3-2)

4.28 Councilmember Starkey voiced her concern that when the Town did these re-classifications, there was no financial impact. She indicated that she had discussed some of the positions with Administration and thought they were a good idea. Councilmember Starkey felt that if these positions would be funded, their fiscal impact should be discussed at the budget workshop.

Councilmember Hubert stated that the Housing and Community Development Division already had funding as part of a block grant. Councilmember Starkey stated that she did not want to get into identifying specific names but wanted to learn what the fiscal impact of certain positions would be.

Mr. Kovanes advised that these positions were being created to prepare for the next budget year. He stated that that these positions were slated for possibly being filled the following year if they were used. Mr. Kovanes advised that staff wanted to have these positions prepared and budgeted. He indicated that the Fire positions were budgeted, therefore, the fiscal impact was apparent within this year's budget. He spoke of positions that would impact the budget by \$6,100 for this year and stated that staff wanted to re-appropriate positions and re-direct current resources into these positions. Mr. Kovanes advised that with the Housing and Community Development staff, the difference was a \$76,000 impact. He stated that these positions were anticipated. Mr. Kovanes indicated that he would take responsibility for the Accountants I and II positions. Councilmember Starkey asked what the fiscal impact would be when those positions were funded. Mr. Kovanes advised this had not been looked into yet.

Councilmember Starkey stated that these resolutions should always show the fiscal analysis and impact and stated she did not like these being presented to Council piecemeal. She requested that the Council look critically at these positions with department directors at the goal setting session.

Councilmember Crowley pointed out that the previous Town Administrator's name needed to be removed.

Vice-Mayor Paul spoke of recreation positions that had been funded by the CDBG grant and of funds that had gone by the wayside, leaving the Town to fund these positions. She asked whether it would be appropriate to have recreation leaders within the Parks and Recreation Department assigned from within their budget. Mr. Kovanes advised that staff could look into this.

Councilmember Hubert thought youth coordinators were being paid for with CDBG funds. Housing and Community Development Director Shirley Taylor-Prakelt advised that there were two existing employees running programs that were expanded so their jobs had to be re-classified. She advised that one position was budgeted 100% through the CDBG grant, while the other was funded from the general fund. Ms. Taylor-Prakelt felt these positions deserved to be reclassified and compensated accordingly as the individuals took on a lot of additional duties.

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Vice-Mayor Paul felt it was time to change titles and classifications if needed. Ms. Taylor-Prakelt advised that the Orange Park youth coordinator, currently classified as crew leader, would be reclassified to a youth coordinator. She indicated that the current safety coordinator would become the neighborhood revitalization program coordinator.

Councilmember Starkey felt it was appropriate to move forward even though she did not like to re-organize mid-year.

Councilmember Hubert made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinance - Second and Final Reading

- 2005-6 6.1. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 8 OF THE TOWN CODE TO COMPLY WITH THE NATIONAL FLOOD INSURANCE PROGRAM FLOODPLAIN MANAGEMENT CRITERIA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. {Approved on First Reading February 16, 2005 - all voted in favor}**

Assistant Town Clerk McDaniel read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley made a motion, seconded by Vice-Mayor Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held March 16, 2005)

- 6.2. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 8-1-04 REGENCY SQUARE, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: PUD (BROWARD COUNTY); TO: B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 8-1-04 Regency Square, Regency Square at Broward Joint Venture/C. William Laystrom Jr., 4900 SW 148 Avenue) (tabled from February 16, 2005) *Planning and Zoning Board recommended approval subject to the condition of an eight-foot wall as requested by the residents and that the developer look at some kind of added landscaping***

Assistant Town Clerk McDaniel read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance at the March 16, 2005 meeting.

Bill Laystrom, representing the applicant, waived the quasi-judicial hearing.

Mr. Parke turned this portion of the meeting over to Mayor Truex for disclosures. Councilmember Starkey disclosed that she had spoken with Mr. Laystrom and some residents. Councilmember Crowley advised that Mr. Poliakoff had spoken with him briefly.

Mayor Truex opened the public hearing portion of the meeting.

Keith Poliakoff, representing the Chelsea at Ivanhoe board members, did not believe it was legal to waive the quasi-judicial proceeding.

Mr. Parke read the rules of evidence and swore in the witnesses. Ms. Nolan summarized the planning report for the rezoning.

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Mr. Laystrom spoke of the site across the lake from the Warren Henry site and advised that the applicant needed guidance regarding upgrading the site. He advised that Mr. Kalis, one of the buyers, had requested that the zoning ordinance have an indication that the property be legally conforming as opposed to non-conforming. Mr. Laystrom indicated that he had worked with Mr. Kalis on a possible insertion into the zoning ordinance. Mr. Laystrom spoke of discussions of modifications that might work for both parties in order to comply with B-3. He advised that the applicant had discussed switching some of the retail usage to an office component.

Charlie Putnam, the land planner for the project, advised that one consideration was to build one-story office buildings on the three parcels instead of commercial development. He advised that the site plan packets were submitted for these three uses.

Mr. Laystrom advised that neighbors in Chelsea had requested a wall along rear of the lake connecting to the Warren Henry wall. He stated that the applicant had proposed a six-foot wall; however, the residents rejected that idea. Mr. Laystrom indicated that the applicant could not comply with every request or the site would continue to be non-conforming. He stated that he had held some discussions with Ms. Nolan regarding compromised language.

Councilmember Hubert indicated that three different people buying three different parcels could chip in and build an eight-foot wall. Mr. Laystrom advised that one was being sold and two were being leased, which arrived at the six feet. Councilmember Hubert asked about the cost for the wall. Mr. Laystrom advised it would cost about \$80,000 for the eight-foot wall.

Mr. Poliakoff indicated that the residents were very disappointed that they had to attend the meeting after a year-long process and advised that to date, the residents had not had a single meeting regarding what the wall would look like. He felt the developer had not been a good neighbor to the community. Mr. Poliakoff distributed pictures showing aspects of the site that concerned the neighbors. He asked why the applicant did not deed-restrict their properties to office if they were so intent on having a non-intense usage. Mr. Poliakoff voiced the residents' opposition and submitted the picture and wall information into the record. Mr. Poliakoff stated that the residents wanted the applicant to finish the wall, protect them from noise, and improve the landscaping.

David Wellborne, 4940 SW 151 Avenue, indicated that he had worked for approximately one year on the Warren Henry project and felt it had been productive. He spoke of the dramatic increase in activity and noise level in the plaza and advised that the noise had extended to later and later at night. Mr. Wellborne stated that more people were taking shortcuts behind Publix because of the traffic increase. He felt if the plaza were built today, a wall would have to be provided.

Mike Davis, 14957 SW 50 Court, asked for Council's help on finishing the wall. He advised that traffic was beginning to get hectic and he felt new businesses would create even more traffic. Mr. Davis stated that he was not against the development, but wanted the neighborhood to be protected.

Mayor Truex asked if completing the eight-foot wall was the main issue that would satisfy the residents. Mr. Davis responded in the affirmative.

Debra Lozinsky, 15048 SW 51 Street, spoke of traffic problems, noise and landscaping problems and requested Council's support. Mayor Truex asked if fixing the landscape and completing the eight-foot wall was the main issue. Ms. Lozinsky responded in the affirmative.

Mr. Poliakoff explained that Chelsea residents wanted the eight-foot wall, a buffer between the shopping center and residents across the street, and improved landscaping to be completed.

Mr. Laystrom recalled that he had walked the back of Publix with Mr. Poliakoff and Mr. Wellborne. He discussed the shopping center and advised that the land use for the property was County PUD, which was the commercial mixed use designation. Mr. Laystrom felt the applicant had tried to do as much as possible and pointed out that all the impacts were in the front of the property. He stated that the number of trips would decrease as a result of the one-story office proposed. Mr. Laystrom asked for

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understanding in working with the legally conforming use issue and agreed that the landscaping did need to be improved. He advised that the site plan had been pending since November.

Mayor Truex asked if the applicant wanted, could they tie in and wrap the wall around as the residents asked. Mr. Laystrom responded in the affirmative.

Councilmember Hubert asked about the price difference to finish the wall. Mr. Laystrom indicated that he did not get the numbers but stated that the extra cost for the extended wall was \$80,000.

Councilmember Crowley asked who was responsible for maintaining the landscaping behind the building. Mr. Laystrom believed this was handled by the South Broward Drainage District. Councilmember Crowley was concerned about the exotics that could be removed which would be no buffer at all. Mr. Laystrom advised this was why the eight-foot wall was proposed. Councilmember Crowley asked if the applicant would be willing to fill the link with Mr. Laystrom responding in the negative. Councilmember Crowley would be willing to work with the applicant on the usage issues, but felt if the wall went all the way around, no links should be left out.

Councilmember Hubert asked if residents of the homeowner's association paid maintenance fees. Mr. Poliakoff responded in the affirmative. Councilmember Hubert asked if the association would be willing to pay a one-time assessment to finish the wall. Mr. Poliakoff advised that the community did not have the budget for this and felt it would be outrageous to charge the association to pay for what a developer was supposed to do. He pointed out that Mr. Laystrom had previously argued that the whole center should be zoned B-3. Mr. Laystrom advised that B-3 zoning was originally created for Warren Henry site and significant compensation was provided to the residents. He was willing to work with residents to solve the wall issue but needed to know that he could work with the Town on conformance issues. Ms. Nolan explained that the non-conforming uses were the telecommunications tower, the existing U-Haul rental site, and the day care center. She further explained that the main issue was the non-conforming parcels.

Mr. Parke closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Vice-Mayor Paul advised that she had met with all members of Chelsea and Mr. Laystrom.

Mayor Truex felt this could be resolved and felt there was room for compromise. He asked if the applicant was willing to meet with residents and discuss the eight-foot wall.

Vice-Mayor Paul was not comfortable with the developer presenting how the Code should be rewritten. She indicated that the proposed office building use worried her as proposed uses tended to change. Vice-Mayor Paul felt the eight-foot wall totally around the site was necessary. She wanted appropriate language assurances to address these issues.

Mayor Truex asked how long it would take to put together an additional meeting to discuss these issues. Mr. Laystrom felt the first week of April would be suitable. He requested that the site plan discussion be moved forward to be discussed sooner so Council would be more comfortable.

Mayor Truex asked if the applicant would be willing to restrict casinos, adult arcades, adult entertainment, or gambling of any type other than the Florida state lottery. Mr. Laystrom was in agreement.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to table to the first meeting in April [April 7, 2005]. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

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7. APPOINTMENTS

- 7.1. Agricultural Advisory Board (one exclusive appointment - Councilmember Starkey; term expires April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

Councilmember Starkey appointed herself.

- 7.2. Child Safety Board (one exclusive appointment - Councilmember Crowley and Mayor Truex; terms expire April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

- 7.3. Open Space Advisory Committee Agency (one exclusive appointment - Mayor Truex; term expires April 2006)

No appointment was made.

- 7.4. Parks and Recreation Advisory Board (one exclusive appointment - Councilmember Hubert; term expires April 2006)

Councilmember Hubert appointed Marie Kaplan.

- 7.5. School Advisory Board (one exclusive appointment - Vice-Mayor Paul; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointment was made.

- 7.6. Senior Citizen Advisory Committee (two exclusive appointments - Councilmember Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

- 7.7. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

8. OLD BUSINESS

- 8.1. Rural Lifestyle Initiative - Fence Amendments

Mr. Kutney advised that on February 17th, he, Mr. Ladue, Code Compliance Supervisor Danny Stallone and Councilmember Starkey had discussed this issue. Mr. Kutney stated that the only quick fix for this problem was to write a special permit provision in the Code, in which an applicant could come before Council and show a hardship indicating why they could not meet the provision.

Councilmember Starkey stated there were unusual circumstances throughout the Town and advised that this was not an isolated issue. She felt that in situations where the scenic corridor was a factor, fence permit amendments should be brought before Council on a case-by-case basis. Mr. Kutney indicated that he would add more criteria to the hardship criteria, as he did not want the ordinance to be watered down. Mayor Truex agreed and felt it should not be a presumption that someone would get a permit. Mr. Kutney indicated staff would move forward on this item and return to Council.

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8.2. Broward County Land Preservation Bond Program - Ryan Parcels

Mr. Kovanes advised that staff put forth the resolution once the parcels were identified and now Broward County needed a concept idea for the land. He indicated that one concept was a farm park that would utilize the land and maintain the lifestyle the Town was trying to maintain. Mr. Kovanes stated that staff had contacted Dr. Samuel Scott pertaining to various farming programs in his area of expertise.

Dr. Scott indicated that he had organized a first generation small-scale group of family farmers in Davie, producing vegetables and culinary herbs. He advised they had held some programs managed by the USDA and spoke of constraints in the area of land acquisition. Dr. Scott indicated that the group wanted to partner with the Town's open space conservation issues and consider establishing farm parks. Dr. Scott stated that he was willing to work with staff and Council to make this a reality.

Mayor Truex asked if a farm park was self-sustaining. Dr. Scott advised that a self-sustaining fund could be put in place where operators contributed to the fund. He indicated that there could be a fee for water, maintenance and support. Dr. Scott stated that it would not become a burden to the County, the Town or taxpayers but advised that designated overseers might be necessary.

Councilmember Crowley asked about irrigation and water use. Dr. Scott advised that the existing sites where farmers were located had irrigation. He stated that the water usage was not that significant.

Vice-Mayor Paul stated that she was excited about a farm park as she felt this maintained agriculture and provided education. She advised that Dr. Scott had assisted the Town in finding additional funding sources such as the USDA, Department of Commerce, HUD and the Department of Transportation as possible means for locating matching funds.

Councilmember Starkey liked the idea of preserving open space but was concerned about the grant being applied for and asked if there was a match required. Mr. Kovanes advised that the Town could apply for up to \$2 million. He advised that staff would be submitting the Sunny Lakes application and that FCT had opened up the dollar amount for one application to \$9.9 million. Mr. Kovanes stated that if Council agreed, staff could submit a grant application before the deadline in May. He indicated that the Town was looking at a very large purchase price and needed direction for staff.

Councilmember Starkey asked how much the parcel was estimated at. Mr. Kovanes advised it was estimated at \$11 million or \$215,000 per acre. Vice-Mayor Paul indicated she had spoken with the owner who advised that if the appraisals came back were unreasonable, the Town would be able to negotiate. She stated that anything on the County's list was being prioritized by the Land Preservation Board on March 17th. Vice-Mayor Paul added that the Town needed to make a presentation on this date to see whether it should even move forward.

Mr. Kovanes spoke of all the farm elements and farm support facilities that needed to be included.

Mayor Truex asked how much land was needed for a farm park. Dr. Scott indicated that the farms were in mini-clusters and stated that the areas being farmed were usually 20x500 - which amounted to four mini-farms per acre. He advised that anywhere from 8 to 25 acres would provide nice mini-farms.

Councilmember Hubert asked where the people who had mini-farms lived. Dr. Scott advised that they lived in different areas and that one cluster lived just below Davie.

Councilmember Starkey felt this was an excellent concept but was concerned about acquisition for the park space bond issue. She voiced her concern about the lack of public input, the Town's tight budget, and where the money would come from. Councilmember Starkey wanted to see a better plan and agreed that it would be great for children to visit.

Vice-Mayor Paul felt it would be a shame not to move to the next step to get on the County's list for prioritizing and if the Town did not take the next step, the land would be developed. She spoke of wetland areas that had been identified by the County. Vice-Mayor Paul wanted to give staff direction to make a bid to be prioritized and if the Town was successful, it could move on to the FCT grant.

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Mr. Kovanes advised that the information needed to be submitted by March 17th and added that staff had indicated it was doing inventory on the parcel. He stated that the County wanted to know what the land would be used for in general.

Mayor Truex agreed with Vice-Mayor Paul about submitting the application as it would not cost the Town anything.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to move forward and prepare language to go to the County on March 17th, then move forward, if approved, to the FCT. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Starkey - yes. (Motion carried 4-1)

9. NEW BUSINESS

9.1. Occupational License/Local Control Bill - Mayor Truex

Mayor Truex advised that he had reviewed the backup and indicated that if Council wanted to draft a resolution similar to the City of Weston's, he would be in agreement.

Vice-Mayor Paul indicated that the resolution included home occupational licenses. Mr. Kutney advised that staff would include all licenses.

Mayor Truex did not feel strongly enough about this issue to devote time to this. Councilmember Starkey stated that the resolution could always be adjusted in the Town's Code since the Town set its fees.

Mr. Kutney advised that the increase was limited to every two years, which gave the Town more leeway. Mayor Truex wanted to leave this to the legislature and if Council was in favor of this, they could let the legislature know individually. Councilmember Crowley wanted more information but was willing to let this go for now and revisit this item later.

9.2. 9th Street Canal and Orange Park - Vice-Mayor Paul

Vice-Mayor Paul spoke of the canal along 9th Street near Orange Park and advised that residents had asked if something could be done with the canal as far as piping and installation of catch basins were concerned. She added that residents had also spoken of rodent problems. Vice-Mayor Paul asked if Central Broward Water Control District could review this.

Councilmember Crowley felt Council should direct staff on this issue and felt efforts to educate residents on not polluting were not working. He stated that safety was his biggest concern.

Vice-Mayor Paul promised residents she would discuss this issue and asked if staff could do a cost estimate. Mayor Truex asked why the Town had to bear the cost and not the Drainage District. Councilmember Crowley advised that the District would probably work with the Town jointly on this issue.

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CROWLEY

BENEFIT. Councilmember Crowley invited the public to the spaghetti dinner to benefit the family of Davie police officer Curtis Mancini on March 4th at the Polish Catholic Church.

COUNCILMEMBER STARKEY

AIRPORT EXPANSION. Councilmember Starkey advised that she had attended meetings on airport expansion and stated that the Town needed to work closely with the FAA as several areas in Davie were not mentioned on the FAA maps. She spoke of the rotated crosswind runway being proposed that would bring flight tracking down I-595 at a steeper approach..

CONCERT. Councilmember Starkey spoke of the Daryl Worley concert.

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FRANCHISE FEE. Councilmember Starkey spoke about the auditors' work on the trash collection franchise fees and a dispute on how much was owed. She requested that a workshop be held to discuss this item so that it could be put to rest.

Mr. Kovanes had some concerns with the ERC Report. Councilmember Starkey asked what the agreement was and pointed out that the Town had not agreed to pay this bill. Assistant Town Administrator Ken Cohen stated that until this was settled, nothing would be paid and suggested that Council meet individually with the two parties. Councilmember Starkey voiced her concerns that this appeared to be a demand letter. Mr. Cohen advised that this was not a demand letter but a statement.

Bill Laystrom, representing Waste Management, indicated that Waste Management could make a presentation to Council but pointed out that this could be awkward. Mayor Truex requested that a presentation be made before Council at an upcoming meeting.

Councilmember Starkey requested that a letter be sent to Waste Management for a response.

Mr. Kovanes stated that he had met with Mr. Spadeccia to resolve this issue and felt that it was necessary to put this issue to rest. He advised that he would bring documentation before Council at the next meeting.

EARNED TAX INCOME CREDIT. Councilmember Starkey was asked to participate in First Focus for Broward's Children's public safety announcement for the earned income tax credit and indicated that she needed staff's support. She would like to include a resident and a testimony from a resident who had participated.

MEDICAL VILLAGE. Councilmember Starkey spoke of letters asking for support for the Medical Village at Nova Southeastern University. She asked Mr. Kovanes to forward these letters to Council.

11. TOWN ADMINISTRATOR'S COMMENTS

HAPPY BIRTHDAY. Mr. Kovanes wished Mr. Kutney a happy birthday.

12. TOWN ATTORNEY'S COMMENTS

No comments were made.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 12:03 a.m.

Approved _____

Mayor/Councilmember

Town Clerk